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Attorneys for Plaintiff  
 CALIFORNIA RESTAURANT ASSOCIATION

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

C-08-3247 CW

CALIFORNIA RESTAURANT  
 ASSOCIATION,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN  
 FRANCISCO and THE SAN FRANCISCO  
 DEPARTMENT OF PUBLIC HEALTH,

Defendants.

Case No. \_\_\_\_\_

**STIPULATION AND ORDER  
 REGARDING PAGE LIMITS AND  
 BRIEFING SCHEDULE REGARDING  
 PLAINTIFF'S MOTION FOR  
 DECLARATORY RELIEF AND A  
 PRELIMINARY INJUNCTION, AND  
 REGARDING STAY OF  
 ENFORCEMENT**

**(Civil Local Rule 7.11)**

**STIPULATION**

WHEREAS, Plaintiff California Restaurant Association filed a Complaint against the City and County of San Francisco and the San Francisco Department of Public Health (collectively, “Defendants”) alleging that Ordinance 40-08 (“Ordinance”) violates the U.S. and California Constitutions;

WHEREAS, the Ordinance amends San Francisco Health Code sections 468-468.8 to require restaurants with twenty or more establishments in the State of California to make statements showing certain nutritional information on menu boards and menus in manner prescribed by the Ordinance;

WHEREAS, Plaintiff alleges that the Ordinance is preempted under federal and state law and that the Ordinance unconstitutionally compels speech by the restaurants subject to the Ordinance;

WHEREAS, Plaintiff has brought a Motion for Declaratory Relief and a Preliminary Injunction (“Motion”) in this action to enjoin the San Francisco Department of Public Health from enforcing the Ordinance;

WHEREAS, certain nutritional disclosure requirements begin to take effect under the Ordinance on August 23, 2008 (“Disclosure Requirements”);

WHEREAS, a proposed amendment to the Ordinance is pending that would, among other things, postpone the operative date of these Disclosure Requirements to September 20, 2008;

WHEREAS, in light of the proposed amendment to the Ordinance, Defendant San Francisco Department of Public Health has stated that it will not enforce these Disclosure Requirements until September 20, 2008;

WHEREAS, the Parties have agreed that, subject to Court approval of this Stipulation, Plaintiff’s Motion would be noticed at least 63 days before the hearing date, Defendants’ opposition papers would be due no less than 35 days before the hearing date, and Plaintiff’s reply to the opposition papers would be due no less than 14 days before the hearing date;

1 WHEREAS, Defendants have agreed to postpone the operative date of the Disclosure  
2 Requirements until October 14, 2008;

3 WHEREAS, Civil Local Rule 7-2(b) provides for a twenty-five (25) page limit on any  
4 motion and supporting memorandum of points and authorities filed in this action;

5 WHEREAS, Civil Local Rule 7-3(c) provides for a twenty-five (25) page limit on any  
6 opposition to any motion filed in this action;

7 WHEREAS, given the complexity of the constitutional issues raised in the action and in the  
8 Motion, Plaintiff and Defendants believe that it is appropriate, subject to Court approval, for the  
9 Motion and supporting memorandum of points and authorities and the Opposition to the Motion to  
10 exceed the twenty-five (25) page limit such that they are each no more than thirty-five (35) pages in  
11 length; and

12 WHEREAS, Plaintiff and Defendants agree that this stipulation is without prejudice as to  
13 any party's right to seek further or additional relief as to matters addressed herein;

14 IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff and Defendants,  
15 subject to approval of the Court, that:

16 1. Plaintiff's Motion (including the supporting memorandum of points and authorities)  
17 may exceed the twenty-five (25) page limit imposed by Civil Local Rule 7-2(b), but may not exceed  
18 a total of thirty-five (35) pages, exclusive of the caption page, table of contents, table of authorities,  
19 declarations, and exhibits.

20 2. Defendants' opposition to the Motion may exceed the twenty-five (25) page limit  
21 imposed by Civil Local Rule 7-3(c), but may not exceed a total of thirty-five (35) pages, exclusive  
22 of the caption page, table of contents, table of authorities, declarations, and exhibits.

23 3. Plaintiff's Motion shall be noticed for hearing on a date that is no less than 63 days  
24 after the Motion is filed and served.

25 4. Defendants' opposition to the Motion shall be filed and served not less than 35 days  
26 before the hearing date.

1           5.       Plaintiff's reply to Defendants' Opposition to the Motion shall be filed and served  
2 not less than 14 days before the hearing date.

3           6.       The operative date of the Ordinance shall be stayed until October 14, 2008 without  
4 prejudice as to Plaintiff's right to seek a further stay and Defendants' right to oppose any further  
5 stay.

6           **SO STIPULATED:**

7       Dated: July \_\_, 2008

ARNOLD & PORTER LLP

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9       By: \_\_\_\_\_

Trenton H. Norris  
Attorneys for Plaintiff

CALIFORNIA RESTAURANT ASSOCIATION

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11  
12       Dated: July \_\_, 2008

DENNIS J. HERRERA  
City Attorney  
FRANCESCA GESSNER  
Deputy City Attorney

13  
14  
15       By: \_\_\_\_\_

Francesca Gessner  
Tara Steeley  
Attorneys for Defendants

CITY AND COUNTY OF SAN FRANCISCO  
AND SAN FRANCISCO DEPARTMENT OF  
PUBLIC HEALTH

**PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

**7/23/08**

Dated: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Claudia Witt", with a long horizontal flourish extending to the right.

UNITED STATES DISTRICT COURT JUDGE